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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/228,103	01/11/1999	HARSH GOPAL	TPP:628US	7307

7590 08/28/2002

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EXAMINER

HON, SOW FUN

ART UNIT	PAPER NUMBER
1772	17

DATE MAILED: 08/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Applicati n No.	Applicant(s)
	09/228,103 ✓	GOPAL, HARSH
Examiner	Art Unit	
Sow-Fun Hon	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 29 May 2002 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 16-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 16-20 is/are allowed.

6)  Claim(s) 21-42 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)  
3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_      6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/29/02 has been entered.

### ***Rejections Withdrawn***

2. The prior art rejections in the prior office action have been withdrawn due to Applicant's cancellation of claims 2-10, 12, 14 and 15 in Paper # 16 (filed 05/29/02).

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 21, 25-27, 31, 36-38, 41, 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Tee-Pak (GB 1470726).

Tee-Pak teaches an aqueous emulsion (aqueous coating composition) for coating the internal surface of a food (sausage) casing comprising at least one polyglyceryl ester and greater than 65 wt % of water (0.5-2.5 % water soluble cellulose derivative (ether), 0.2-2 % polyglyceryl ester (diglyceride), 0.25-2% partial fatty acid ester of sorbitan or mannitan, and the

balance is essentially water) (column 4a, lines 40-55). The list of water-soluble cellulose derivatives include the list claimed by Applicant. Tee-Pak teaches that the materials are in the proportion of 17-1700 mg/sq meter (0.01-0.1 mg/sq in) of casing surface (column 2b, lines 90-100) so the emulsion which coats from about 200 to 1200 mg per square meter falls in that range.

5. Claims 21-23, 25, 28-31, 33-36, 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Hammer et al. (US 5,370,914).

Hammer et al. teaches a coating for the inner surface of a food casing which improves peelability, and coats from 5 to about 100 mg/ square meter (column 1, lines 5-25). The coating is an aqueous emulsion which teaches additives of low viscosity oils such as natural oils, synthetic polyglyceryl esters (di- or tri-glycerides) and silicon oils, emulsifiers, and polyhydric alcohols such as propylene glycol (1,2-propane diol), each one in the amounts of 0.5 to 30 % by weight relative to the total weight of the aqueous solution (column 3, lines 30-65).

#### *Claim Rejections - 35 USC § 103*

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammer et al. (US 5,370,914) in view of Colliopoulos et al. (US Patent 3,966,632).

Hammer et al. has been discussed above, and teaches the aqueous emulsion coating of the internal surface of a food casing, but fails to teach triglyceryloleate.

Colliopoulos et al. teaches a vegetable oil emulsion containing 1-4 % of an emulsifying agent (surfactant) which is a particular mixed polyglycerol ester useful in preparing edible food

products (abstract). The vegetable oil can be soybean or cottonseed oil (column 1, lines 1-5). Colliopoulos et al. teaches that the esters are a mixture of di-, tri- and tetra polyglycerols, such as triglyceroleate (triglycerol mono-oleate), which are emulsifying agents (better suited for preparing stable emulsions of vegetable oil particularly soybean oil containing more than 10 % water) (column 1, lines 44-68).

Because Colliopoulos et al. teaches that triglyceroleate is better for preparing stable emulsions of oil containing more than 10 % water, it would have been obvious to one of ordinary skill in the art to have substituted the triglyceroleate of Colliopoulos et al. for the triglyceride as the polyglyceryl ester in the invention of Hammer et al. in order to obtain an aqueous emulsion with improved stability, for food casings.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (703)308-3265. The examiner can normally be reached Monday to Friday from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (703)308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

8/22/02

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

8/26/02